

Gulf of Mexico Reef Fish Amendment 40

Frequently Asked Questions

January 2015



What is being proposed in Amendment 40 and the proposed rule?

- Establish separate federally permitted for-hire and private angling components within the Gulf of Mexico recreational sector fishing for red snapper
- Allocate the red snapper recreational quota into federally permitted for-hire and private angling sub quotas.
- Establish separate red snapper annual catch target and season closure provisions for the federal for-hire and private angling components.
- Sunset the federal for-hire and private angling components and associated management measures after three years.

What would the two recreational subquotas be?

- Based on a recreational quota of 5,390,000 pounds:
 - The federal for-hire subquota would be 2,279,970 pounds.
 - The private angling subquota would be 3,110,030 pounds.
- A 20% buffer was applied to the recreational quota to calculate the recreational annual catch target, and the federal for-hire/private angling component allocation is also applied to the annual catch target (see the links to additional information at the end of this document).

Definitions

Annual catch target is the acceptable level of landings that provide a buffer, if needed, for management uncertainty.

Accountability measures are actions taken if the annual catch limit or quota is exceeded

Who would be in the federal for-hire component and who would be in the private angling component?

- The federal for-hire component would be comprised of all for-hire operators with a valid or renewable federal reef fish charter vessel/headboat permit.
- The private angling component would be comprised of private recreational anglers and other for-hire operators who do not have a federal reef fish charter vessel/headboat permit.

- Harvesting red snapper in the federal for-hire component would be done by private anglers using federal for-hire vessels. The captain and crew of these vessels are not allowed to retain a red snapper bag limit.

Why is Amendment 40 being proposed?

- To increase the stability of the federal for-hire component.
 - Federal for-hire fishing opportunities have decreased due to shorter federal red snapper fishing seasons.
 - Operators of federal for-hire vessels cannot allow their customers to retain for red snapper in state waters if federal waters are closed to red snapper fishing.
 - The federal red snapper season has been reduced to compensate for extended fishing seasons in state waters.
 - Over time, for-hire vessel landings have represented a reduced proportion of the total recreational red snapper harvest (e.g., for-hire vessels landed 47.3% of the harvest in 2003 and only 16.7% in 2013).
- To provide a basis for increased flexibility in future management of the entire recreational red snapper harvesting sector.
 - Landings data for different elements of the recreational sector have different degrees of uncertainty.
 - Separating management of the components is expected to:
 - Improve season-length projections.
 - Allow future management to focus on improving fishing opportunities for each component.
- To reduce the chance of recreational quota overruns, which could jeopardize the rebuilding of the red snapper stock.

How did the Council determine how to divide the recreational quota between federally permitted for-hire fishermen and private anglers?

- The Council looked at landings from past years for each component.
- They selected an alternative that used a historical time series of landings from 1986-2013 and a more current time series from 2006-2013.
- Average percent landings from each time series were combined.
- This approach has been used by the Council for setting the allocations for other species (e.g., the jurisdictional apportionment of black grouper and yellowtail snapper resources between the Gulf and South Atlantic Councils).
- The resulting allocation was 42.3% of the recreational quota and annual catch target going to the federal for-hire component and 57.7% of the quota and annual catch target going to the private angling component.

How would this allocation affect the length of the 2015 federal red snapper recreational season?

- The season length for the different components would likely be different.
- Federally permitted reef fish for-hire vessel operators can only allow their customers to harvest red snapper in state waters when the federal season is open and cannot take advantage of extended state fishing seasons.

- Unlike the federal for-hire component, private anglers and state-permitted for-hire operators can continue to harvest red snapper in state waters during extended state fishing seasons.
- The federal season for the private angling component would be reduced to account for fish caught in state waters during the extended state seasons.
- If federal and state seasons were compatible, the federal private angling component's season would be longer.

How many days will federally-permitted for-hire fishermen and private anglers be authorized to fish in 2015?

- At this time, it is unknown how long the federal for-hire and private angling seasons would last under the proposed measures.
- Season lengths cannot be projected until final 2014 recreational landings data and results from an updated red snapper stock assessment are available.
- For both components, the season would begin on June 1.
- The season length would be projected from each component's annual catch target.
- In some state waters, private anglers may be able to fish during other periods if states extend their seasons.

What happens if one component exceeds its catch limit and the other one does not?

- As long as the total recreational quota is not exceeded, nothing would happen.
- If the total recreational red snapper quota is exceeded, an overage adjustment would be applied.
- The overage adjustment, a type of accountability measure, would deduct the amount of the overage from the following year's total quota unless scientific information allowed for a different amount.
- Both the federal for-hire and private angler component subquotas would then be calculated based on the adjusted recreational quota.
- If, in any fishing year, one component was determined to exceed its quota to a point that the total recreational quota had been met or exceeded, and the other component was still fishing under its projected season, both components would be closed immediately as a result of Section 407(d) of the Magnuson-Stevens Fishery Conservation and Management Act.

Does approval of Amendment 40 mean that state management of red snapper is not going to happen?

- No. The Council continues to work on Amendment 39 to the Reef Fish Fishery Management Plan.
- Amendment 39 evaluates different ways the states can manage red snapper in both state and federal waters.

Does Amendment 40 affect the commercial fishing for red snapper?

- No. Commercial red snapper fishing is managed under a separate quota and under an individual fishing quota program.

What is the process for implementing these management measures?

- Amendment 40 needs to be approved, disapproved, or partially disapproved.
 - A notice of availability is published in the *Federal Register* to make the public aware of the amendment and that they can comment on it.
 - There is a 60-day comment period on the amendment after the notice is published.
 - Based on comments received from the public, the Secretary of Commerce will make a decision to approve, disapprove, or partially approve the amendment.
- The management measures in Amendment 40 would be implemented through rulemaking.
 - Proposed rule
 - NOAA Fisheries will publish the proposed rule in the *Federal Register*.
 - NOAA Fisheries will provide a 45-day period for the public to comment on the rule.
 - Comments will be used to evaluate the rule.
 - Final rule
 - If Amendment 40 is approved or partially approved, comments received from the notice of availability and the proposed rule will be addressed in the final rule.
 - The final rule will be published in the *Federal Register*.
 - There will be a 30-day cooling off period after the rule publishes until it is effective.

How can I comment on the rule/amendment?

- There will be two open comment periods.
- Comments on Amendment 40 must be received no later than **March 17, 2015**.
- Comments on the proposed rule must be received no later than **March 9, 2015**.
- All comments specifically directed to Amendment 40 or the proposed rule will be addressed in the final rule.
- You may submit comments on Amendment 40 or the proposed rule, identified by NOAA-NMFS-2014-0107, by any of the following methods:
 - Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0107>, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.
 - Mail: Submit written comments to Peter Hood, NOAA Fisheries, Southeast Regional Office, Sustainable Fisheries Division, 263 13th Avenue South, St. Petersburg, Florida 33701-5505.

Links to additional information on red snapper management and rulemaking

- You may obtain electronic copies of Amendment 40 and the proposed rule from the NOAA Fisheries Web site:
http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/2013/am40/index.html
or the e-Rulemaking Portal: www.regulation.gov.
- Information on recreational red snapper accountability measures can be found at:
http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/2014/rs_a_m_framework/index.html.
- An overview on red snapper recreational management in the Gulf of Mexico can be found at:
http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/2014/rs_a_m_framework/index.html.